

Senate File 2381 - Introduced

SENATE FILE 2381
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3059)

(COMPANION TO HF 2411 BY
COMMITTEE ON PUBLIC SAFETY)

A BILL FOR

- 1 An Act relating to participation in the sobriety and drug
- 2 monitoring program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.20, subsection 3, unnumbered
2 paragraph 1, Code 2020, is amended to read as follows:

3 In addition to other penalties provided by law, a person's
4 temporary restricted license shall be revoked if the person is
5 required to install an ignition interlock device ~~or participate~~
6 ~~in a program established pursuant to chapter 901D~~ and the
7 person does any of the following:

8 Sec. 2. Section 321J.20, subsection 3, paragraph b, Code
9 2020, is amended by striking the paragraph.

10 Sec. 3. Section 321J.20, subsection 9, Code 2020, is amended
11 by striking the subsection.

12 Sec. 4. Section 901D.3, subsection 1, unnumbered paragraph
13 1, Code 2020, is amended to read as follows:

14 The department of public safety shall establish a
15 statewide sobriety and drug monitoring program to be used
16 by participating jurisdictions, which shall be available
17 twenty-four hours per day, seven days per week. Pursuant to
18 the provisions of [this chapter](#), a court or governmental entity,
19 or an authorized officer thereof, within a participating
20 jurisdiction may, as a condition of bond, pretrial release,
21 sentence, probation, or parole, ~~or a temporary restricted~~
22 ~~license~~, do all of the following:

23 Sec. 5. Section 901D.3, subsection 2, Code 2020, is amended
24 to read as follows:

25 2. ~~a. A person who has been required to participate in the~~
26 ~~program by a court or governmental entity and whose driver's~~
27 ~~license is suspended or revoked shall not begin participation~~
28 ~~in the program or be subject to the testing required by the~~
29 ~~program until the person is eligible for a temporary restricted~~
30 ~~license under applicable law.~~

31 ~~b. In order to participate in the program, a person shall be~~
32 ~~required to install an approved ignition interlock device on~~
33 ~~all motor vehicles owned or operated by the person.~~

34 ~~c. A person wishing to participate in the program who has~~
35 ~~been charged with, pled guilty to, or been convicted of an~~

1 eligible offense, but has not been required by a court or
2 governmental entity to participate in the program, may apply
3 to the court or governmental entity of the participating
4 jurisdiction on a form created by the participating
5 jurisdiction, and the court or governmental entity may order
6 the person to participate in the program as a condition
7 of bond, pretrial release, sentence, probation, or parole,
8 ~~or a temporary restricted license~~. The application form
9 shall include an itemization of all costs associated with
10 participation in the program.

11 Sec. 6. Section 901D.5, subsection 3, Code 2020, is amended
12 to read as follows:

13 3. Unless otherwise required by federal law, all alcohol
14 or controlled substance testing performed as a condition of
15 bond, pretrial release, sentence, probation, or parole, ~~or a~~
16 ~~temporary restricted license~~ shall utilize and input results
17 to the data management system.

18 Sec. 7. Section 901D.7, subsections 1 and 2, Code 2020, are
19 amended to read as follows:

20 1. Subject to [sections 901D.3](#) and [901D.6](#), a participant
21 may be placed in the program as a condition of bond, pretrial
22 release, sentence, probation, or parole, ~~or a temporary~~
23 ~~restricted license~~. ~~However, a person who has been required~~
24 ~~to participate in the program by a court or governmental entity~~
25 ~~and whose driver's license is suspended or revoked shall not~~
26 ~~begin participation in the program or be subject to the testing~~
27 ~~required by the program until the person is eligible for a~~
28 ~~temporary restricted license under applicable law.~~

29 2. a. An order or directive placing a participant in the
30 program shall include the all of the following:

31 (1) The type of testing required to be administered in the
32 program and the in accordance with section 901D.3, subsection
33 1, paragraph "b".

34 (2) The length of time that the participant is required to
35 remain in the program, which shall be for no less than ninety

1 days. ~~The order or directive shall additionally require~~

2 (3) A requirement that the participant not have failed
3 a test result or have missed a required testing during
4 the thirty-day period immediately preceding the end of
5 participation in the program.

6 (4) A requirement that the participant submit to the law
7 enforcement agency of the participating jurisdiction proof
8 that the participant has installed an approved ignition
9 interlock device on all motor vehicles owned or operated by the
10 participant prior to the end of participation in the program,
11 unless the court enters an order pursuant to paragraph "c"
12 finding the participant is not required to provide proof of
13 installation of an approved ignition interlock device as a
14 condition of the participant's completion of the program.

15 b. The person issuing the order or directive shall send a
16 copy of the order or directive to the law enforcement agency of
17 the participating jurisdiction.

18 c. (1) A court shall only enter an order finding the
19 participant is not required to provide proof of installation
20 of an approved ignition interlock device on all motor vehicles
21 owned or operated by the participant if any of the following
22 apply:

23 (a) The participant will be ineligible for a temporary
24 restricted license at the time the participant completes the
25 program.

26 (b) The participant will not own a motor vehicle or have a
27 motor vehicle registered in the participant's name at the time
28 the participant completes the program, and the participant has
29 submitted an affidavit stating such.

30 (2) If the court enters an order finding the participant is
31 not required to install an approved ignition interlock device
32 under this paragraph, the court shall specifically state in the
33 order the reasons for not imposing the requirement.

34 Sec. 8. Section 901D.9, subsection 2, Code 2020, is amended
35 by striking the subsection.

1 Sec. 9. Section 901D.10, subsection 1, Code 2020, is amended
2 to read as follows:

3 1. The department, in consultation with the judicial branch
4 ~~and the department of transportation~~, shall by December 1,
5 2023, submit a report to the general assembly detailing the
6 effectiveness of the program established pursuant to this
7 chapter and shall make recommendations concerning the continued
8 implementation of the program or the elimination of the
9 program.

10 Sec. 10. REPEAL. 2017 Iowa Acts, chapter 76, section 17, as
11 amended by 2019 Iowa Acts, chapter 66, section 4, is repealed.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill strikes provisions authorizing a court or
16 governmental entity to order a person to participate in the
17 sobriety and drug monitoring program (program) as a condition
18 of a temporary restricted driver's license. The bill also
19 eliminates the requirement that a person who has been ordered
20 to participate in the program by a court or governmental
21 entity, and whose driver's license is suspended or revoked, be
22 eligible for a temporary restricted license before beginning
23 participation in the program or being subject to testing
24 required by the program.

25 The bill strikes the requirement that the department of
26 transportation (DOT) must require a person to participate in
27 the program if the person is required to install an ignition
28 interlock device under Code chapter 321J. The bill also
29 eliminates the requirement that a person must install an
30 approved ignition interlock device on all motor vehicles owned
31 or operated by the person in order to participate in the
32 program. However, the bill does not amend or eliminate any
33 separate requirement to install an approved ignition interlock
34 device that may exist based on the person's underlying offense.

35 The bill instead requires an order or directive placing a

1 participant in the program to require the participant to submit
2 to the law enforcement agency of the participating jurisdiction
3 proof that the participant has installed an approved ignition
4 interlock device on all motor vehicles owned or operated by the
5 participant prior to the end of participation in the program.
6 However, the bill provides an exception to the ignition
7 interlock device requirement if the participant, at the time
8 the participant completes the program, will be ineligible for a
9 temporary restricted license or will not own a motor vehicle or
10 have a motor vehicle registered in the participant's name.

11 The bill eliminates the DOT from reporting requirements
12 under Code chapter 901D. The bill repeals a future repeal
13 provision relating to references to the program in Code chapter
14 321J that are stricken by the bill. The bill does not amend or
15 repeal the future repeal date for the program in Code section
16 901D.10.